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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/937,083	08/29/2002	Knut Hofmann	85934.000008	4755

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EXAMINER

PATEL, VISHAL A

ART UNIT	PAPER NUMBER
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3676

DATE MAILED: 02/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/937,083

Applicant(s)

HOFMANN ET AL.

Examiner

Vishal Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3 and 5-9 are rejected under 35 U.S.C. 103(a) as being anticipated by Kramer et al (US. 5,296,658) in view of Plamper (US. 5,438,798).

Regarding claims 1-3:

Kramer discloses a shaped seal for sealing power-operated closing device (power closing device 18), including an anti-trap guard (anti-trap guard having 31 and 30) comprising:

at least two electrically conductive portions spaced away from each other (30 and 31 that are spaced away from each other), whose contact triggers a switching action for activating a drive assembly of the closing device (figure 1-3, column 2, lines 24-26);

at least one of the portions being electrically conductive connected to a member (member 14 which surrounds the shape seal 12 forms a carrier) of the shape seal, characterized in that the member is configured as a carrier for securing the shaped seal and as a flange or frame to which the shaped seal is securable;

the member being a metallic conductor of a carrier (14 which forms a carrier);

the member is surrounded partly or fully by the electrically conductive portion;

Regarding claims 5-9:

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the member extends up to the outer side of the shape seal (14 extends all around the shape seal 12);

the electrically conductive portion comprises lips or tabs (lips that are in contact with 14, one lip below 32 and one directly opposite of 32) for securing the shape to the flange or to the frame (intended use);

the anti-trap guard portion comprises a hollow chamber in which at least one of the electrical conductive portions is arranged (hollow member 22 having 30 or 31);

the hollow chamber serves to seal the powered closing device (this is the case since the member 22 extends beyond the shape seal 12 on one side to seal that side);

the electrically conductive portion provided separate from the carrier, the flange or the frame comprises a metallic conductor (metallic conductor 14).

Regarding claims 1-3 and 5-9:

Kramer discloses the invention substantially as claimed above but fails to disclose that the member (member that is metallic 14) is connected to at least one of the portions by a conductive connection. Plamper discloses that a metallic conductor can be used (87 in figure 2) or as in figure 9, a shape seal (100) that has at least two conductor members (360 and 180), whose contact triggers a switching action for activating the drive assembly of the closing device, a member (350) which is not metallic of a carrier (carrier formed by 350 and screws 314) and the conductive member 360 is connected to another conductive member of the carrier (314, which is a ground member). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the conductor portion of Kramer to be connected to the metallic conductor (14 of Kramer) by a conductive connection (wire of Plamper) as taught by Plamper, to

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provide a close electrical circuit (connection of multiple conductive members to form a electrical close loop) and also ground the circuit (inherent teaching of a grounding member).

3. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kramer and Plamper as applied to claim 1 above, and further in view of Andrzejewski (US. 4,271,634).

Kramer discloses the invention substantially as claimed above but fails to disclose that the carrier (14 of Kramer) is provided with recesses. Andrzejewski discloses a carrier having recesses (recesses formed between legs 8, 6, 12 and 10). It would have been obvious to one having ordinary skill in the art at the time the invention was made to configure the carrier of Kramer to have recesses as taught by Andrzejewski, to provide flexibility (inherent when placing a recessed member than a solid member and better bonding of the shape seal to the carrier (better bonding since the shape seal will occupy the recesses).

Response to Arguments

4. Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's argument against Rosenau is persuasive hence the 102 rejection of claims 1-3 and 5-9 are withdrawn (this is because applicant has provided a translation of a foreign document that the applicant claims priority to).

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vishal Patel whose telephone number is (703) 308-8495. The examiner can normally be reached on Monday through Friday from 7:30 PM to 4:00 PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight, can be reached on (703) 309-3179.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2168. Technology Center 3600 Customer Service is available at 703-308-1113. General Customer Service numbers are at 800-786-9199 or 703-308-9000. Fax Customer Service is available at 703-872-9325.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to: 703-872-9326, for formal communications for entry before Final action: or,
703-872-9327, for formal communications for entry after Final action.

For informal or draft communications, please label **"PROPOSED"** or **"DRAFT"** and fax to: 703-746-3814.

Hand-delivered responses should be brought to Crystal Park Five, 2451 Crystal Drive, Arlington, Virginia, Seventh Floor (Receptionist suite adjacent to the elevator lobby).

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VP

January 28, 2004

A handwritten signature in black ink, appearing to read 'Anthony Knight', is written over the printed name.

Anthony Knight
Supervisory Patent Examiner
Tech. Center 3600